

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

File No. 1:19CV1034

ANTON THURMAN McALLISTER

v.

WELLPATH HEALTHCARE, et al.,

Defendant(s)



NOTICE OF APPEAL

AND REQUEST FOR COURT

TO CONDUCT A PLENARY

REVIEW OF THE SUFFICIENCY

OF Civil No. 1:19CV1034

COMPLAINT IN PARTS.

COMES NOW THE PLAINTIFF, Anton Thurman McAllister, before the Honorable Middle District Court of North Carolina with a notice of appeal to the Magistrate Judge Recommendation and District Judge Final Order for dismissal of specific defendants in Civil Action 1:19CV1034 ANTON THURMAN McALLISTER v WELLPATH et al., as a Pro se plaintiff.

ISSUE PRESENTED

The Plaintiff presented a complaint stating that multiple defendant(s) caused him to develop diabetes from a mental health medicine known as Zyprexa. The psychiatrist who prescribed the medicine as well as the Medical Provider and the Parenting Company of the Medical Provider as well as a Forsyth County Board Commissioner was all dismissed from the complaint when clear violations and acts of harm resulted from the direct deliberateness and indifferent treatment by the individual or the supervisor or policy. (Enclosed are documents showing dangers of Zyprexa and association with Diabetes).

STATEMENT OF THE CLAIM

On November 15, 2018, the plaintiff was prescribed a mental health medicine named Zyprexa for the cause of PTSD, although this medicine was approved by FDA solely/only for bipolar disorder and schizophrenia disorder in which the plaintiff was never diagnosed with nor ever had any past or present history or symptoms of.

This medicine is known very well in the mental health drug arena for causing extremely harmful health problems within only a short amount of time.

As soon as December 22, 2018 the plaintiff began to experience serious side-effects from the medicine such as hyperglycemia, frequent urination, blurry vision and catastrophic weight loss,

When the plaintiff became concerned about other new health issue that seemed to be developing the Mental Health Doctor was questioned about the known possibility of developing diabetes in which he downplayed the seriousness and even suggested that it was so rare that the plaintiff chances of developing such health problem was slim to none.

As time continued, the plaintiff lost over 60 pounds in a matter of months and was not

administer something as simple as a finger stick or blood test to address the obviously clear classic symptoms of diabetes that any practitioner in the medical field should have clearly seen.

The Doctor changed the plaintiff medicine once he noticed the high blood glucose reading.

He never informed the plaintiff of the dangers and was fully aware of the extreme harm that he subjected me to that ultimately outweighed any positive remedy to my PTSD condition.

Once I refused to be treated by this doctor; no one from WellPath monitor my mental conditions any further. I made it clear that I feared for my health and life if I accepted treatment from the Mental health doctor and requested outside medical care. I was repeatedly denied and forced to either be treated by Dr. Cunningham or not be treated for PTSD. Since March, 2020 COVID-19 surfaced in FCLERC and my anxiety and stress has increased enormously and not only do I really need mental health treatment, I have a right to it, that's free from harm, danger, vindictiveness and inadequacy. I was clearly denied mental health care by wellpath following the harmful and damaging acts of the doctor

ARGUMENT

The plaintiff submitted a complaint that showed clear violations by Dr. Cunningham, WellPath, HIC Capital Equity firm and Gloria Whisenant yet the Magistrate Judge seemingly infringed on the normal functions of a jury by determining that the complaints lacked grounds of violations in accordance to the deliberate indifference standard which is to some degree a violation of the U.S. 7th Amendment for the rights of jury to decide and fact find not a magistrate judge especially at a screening stage. Whether the actions of these defendants were unintentional or not - their conduct show clear deliberateness and has caused the plaintiff a permanent lifetime of pain and suffering from a health condition that can turn deadly at any moment and can easily leave me permanently disabled and subjected to premature death if infected by other harmful viruses or health conditions and they should all be held legally and civilly accountable for their roles in such crucial violative acts.

RELIEF

The plaintiff ask the Appeals court to conduct a reasonably thorough plenary review of the sufficiency of the complaint and claims against Dr. Scott Cunningham, Gloria Whisehunt, WellPath Health Care and HIG Capital Equity Firm. The plaintiff ask that the appeals courts consider that the plaintiff is pro se and that this appeal notice may not drafted as well as it would possibly be by an attorney of law and therefore do not hold the plaintiff to the highest standard of heightened pleading at the screening stage being that the plaintiff do have reasonable means to support all of the claims made against these defendant at trial stage.

I, Anton Thurman McAllister, declare under penalty of perjury that all statements made here in this legal instrument is true, accurate and without intent to menace any of the named individuals, to delay any Court proceeds nor to violate any judicial economy standards!

Thank You. Respectfully,

#323765 Anton Thurman McAllister

Anton T. McAllister

#19CV 1034